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C O N F I D E N T I A L SECTION 01 OF 03 SARAJEVO 000607

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DEPARTMENT FOR EUR (DICARLO), EUR/SCE (HOH/FOOKS); NSC FOR  
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TAGS: [PGOV](#) [PINR](#) [PREL](#) [KAWC](#) [KJUS](#) [BK](#)

SUBJECT: BOSNIA: SILAJDZIC CALLS FOR RADICAL SURGERY ON  
DAYTON AGREEMENT AFTER ICJ VERDICT

REF: A. SARAJEVO 579

[1](#)B. SARAJEVO 556

Classified By: Ambassador Douglas McElhaney for reasons 1.4(b) and (d)

[1](#)1. (SBU) Summary: Following the March 12 ad hoc meeting (ref A) on the status of Srebrenica, the Ambassador met with Bosniak (Muslim) leaders March 14 to urge calm and solicit their plans for Srebrenica in light of the February 26 International Court of Justice verdict on genocide in Srebrenica. All three leaders declared their intention to find a way to obtain a special status for Srebrenica outside of the Republika Srpska (RS). Bosniak Tri-Presidency Member Haris Silajdzic declared that the RS, a product of genocide, should be abolished, and the moral obligation to implement the ICJ verdict overrides Bosnian law and international treaties, including the Dayton Peace Agreement. End Summary

Ambassador meets Bosniak Leaders  
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[1](#)2. (U) Following the publication of the conclusions from the March 12 meeting of Bosniak leaders on Srebrenica's status (ref A), Ambassador met with Bosniak political leaders to discuss the need to calm the situation and their thinking on the recent ICJ verdict (ref B). Ambassador met individually with Social Democratic Party (SDP) President Zlatko Lagumdzija, Party of Democratic Action (SDA) President Sulejman Tihic and Party for BiH (SBiH) President Haris Silajdzic on March 14. To get a clearer picture on their views of how the ICJ verdict may further affect the situation, Ambassador probed each of the leaders on their understanding of the verdict's legal implications vis-a-vis the Republika Srpska (RS). Ambassador urged them to take action to prevent the further radicalization of the political climate.

Even Dayton should be Changed to Erase Results of Genocide  
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[1](#)3. (SBU) Silajdzic declared that Srebrenica deserves special status because "it was like Auschwitz" where people were brought to be killed. He acknowledged that the legal procedure to achieve this would be complicated, but said his lawyers were working on it. He admitted that the court did not sanction the RS specifically, since the court was asked about Serbia, not the RS. However, Silajdzic added that he had recently reviewed the full ICJ decision and noted several paragraphs where it clearly stated that RS police and RS

military committed genocide.

¶4. (SBU) Silajdzic predicted that as many as 50,000 genocide and concentration camp victims would sue the RS and seek compensation for genocide. As an interim step toward implementing the ICJ verdict Silajdzic had consulted with other Presidency members and initiated a request to Serbia to honor the judgment and deliver war criminals within 60 days or Bosnia would turn to the UNSC for help. Silajdzic said he knew it would be hard to get a UNSC resolution against the RS since it is not a subject of the UN, but since Srebrenica was a UN protected zone at the time of the genocide, he expects UN members to understand and help resolve the situation. He said the demilitarized status of Srebrenica and Zepa were still technically valid, implying the UN still had obligations in both places.

¶5. (SBU) When asked whether he intended to abolish the RS or only remove Srebrenica from it, Silajdzic declared that he wants to abolish all cantons and entities and try to get justice for genocide victims. He stated that Dayton was formed by necessity with pressure from Milosevic, Tudjman and the international community, but the RS cannot remain as is; otherwise it will legalize genocide. "We had to sign Dayton with a gun at our heads," he said. Silajdzic asserted that the obligations contained in international conventions, such as those for the prevention of genocide and the prevention of crimes against humanity, supersede all law including Bosnian law and the Dayton Peace Agreement. Silajdzic expressed his hope that the US would look into this issue, which, he stressed, presents the US with an opportunity to stand by Muslim victims of genocide. He added that the US Congress already resolved that there was genocide in Srebrenica and

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hoped they would pass a second resolution that would allocate funds to help the victims.

SDA seeks Calm and IC help in implementing ICJ Verdict  
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¶6. (SBU) SDA president Tihic cast himself as a peacemaker. Tihic claimed that the SDA was not the impetus for plans for Srebrenica to break away from RS, and that he and SDA MP Sadik Ahmetovic stopped that decision because it would have been at variance with the constitution. He called for immediate steps to improve the economic situation in Srebrenica and said that he had urged RS Prime Minister Milorad Dodik to meet with Srebrenica Mayor Abdurahman Malkic to discuss the situation. Tihic also advocated granting special status to Srebrenica, but emphasized doing so through legal means.

¶7. (SBU) Turning to the ICJ verdict, Tihic said Serbia was found guilty for the failure to prevent genocide; failure to punish those responsible for genocide; failure to cooperate with the ICTY; and failure to heed court recommendations from ¶1993. He inferred that the court could only say Yugoslavia failed to stop genocide, if it ruled that genocide actually occurred, and the court ruled it did occur in Srebrenica. Even though the court was not asked specifically if the RS committed genocide, Tihic claims the verdict mentions the role of police and RS army several times. He added that individuals cannot commit genocide, but you need institutions to carry out preparations and execution of genocide. Tihic said that in the formal legal sense, the ICJ verdict has no legal effect on the RS. But in the moral sense, one cannot ignore the RS role in genocide.

¶8. (SBU) Tihic feels the Presidency or Council of Ministers should establish a body to deal with the verdict and list the responsibilities of the State, RS and Federation in carrying it out. Once Bosnia gets an official translation of the verdict, Bosnian authorities should discuss the issue, not fight over it. He added that Bosnia had waited 14 years for this verdict and the execution will take several years.

Tihic expects that the RS role in genocide will be accepted as fact by all including the international community. He added his hope that the US and UK will not be silent on this issue. He is advocating for a package of draft measures to be sent to the UNSC, Council of Europe, Venice Commission, Islamic Conference and others.

SDP for calm, Economic Solutions, and Special Status  
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¶9. (SBU) SDP leader Lagumdzija credited himself with helping to calm the situation in Srebrenica and counter the inflammatory statements of other Bosniak leaders. He accused SBiH leader Haris Silajdzic of using anti-Western rhetoric to gain political capital from the situation by telling people that "the West is doing this to us because we are Muslim." However, Lagumdzija insisted that Srebrenica has the right to special status outside the RS due to the active role the RS Army and Police played in the genocide there. He added that he opposed unilateral action on secession of Srebrenica from the RS, but instead wanted to achieve special status through legal means, including constitutional changes if necessary.

¶10. (U) SDP leader Lagumdzija attributed the volatility in Srebrenica to the desperate economic situation there. The situation can be calmed in the short term through the quick provision of economic deliverables. He indicated that the Federation parliament immediately could address several of the 13 conclusions from Monday's meeting of Bosniak leaders by providing a special employment program, allowing Srebrenica residents registered in RS to get free health care in the Federation, resolving benefits issues for demobilized soldiers from the Federation, and giving salary bonuses to doctors, teachers, imams to move to Srebrenica. He expressed hope that a group of SDA, SBiH, and SDP local representatives could come up with project ideas and told us that the Ambassador of Saudi Arabia indicated a willingness to provide economic aid.

Comment  
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¶11. (C) We are quite frankly concerned with the radical ideas that Silajdzic is successfully sowing here among Bosniaks. Although the other leaders might try to contain him, as a wartime figure he holds special status here. Since he began his political campaign for the presidency -- opposing constitutional reform because this first step did not abolish the Republika Srpska -- he has deepened the sense of malaise here. He and many other Bosniaks thought that the recent ICJ decision on Srebrenica would "right the political balance". That the judgment did not establish Belgrade's guilt was certainly a disappointment to many, but it has not deterred Silajdzic (and Tihic to some extent) to read into the decision a finding that the RS and its institutions were found guilty of committing genocide, and therefore should pay dearly. The corollary is that the international community should add its moral weight behind the Bosniak victims by stepping down hard on the Serbs. Recently, by septel we reported that Silajdzic rather than try to reach agreement in an important negotiation on police reform, (which would have come a long way in the Bosniak direction) firmly rejected that there be any mention in the agreement of the RS or RS police, thereby scuttling the discussions. Increasingly, we believe that Silajdzic's aim is to destabilize the situation here to attract the attention of the international community as well as its assistance "against the Serbs." He is obviously well aware of the difficulties we will confront on Kosovo over the next months, and likely will stir the pot further in efforts to get the Bosnian Serbs to do something stupid. The latter are quite capable of doing so. END COMMENT  
MCELHANEY